

REMARKS

Entry of the foregoing and reconsideration of the application identified in caption, as amended, pursuant to and consistent with 37 C.F.R. §1.111 and in light of the remarks which follow, are respectfully requested.

By the above amendments, the specification has been amended to correct reference numerals therein, and also to add a description of reference numerals used in the drawings. Such amendments are fully supported by the original drawings and the description thereof. Claims 22, 29 and 36 have been amended for clarification purposes to recite "wherein at least one of the SiO_xC_y layers is formed by vapor deposition on the substrate film by a plasma enhanced chemical vapor deposition method while stretching the substrate film." Support for such amendments can be found in the specification at least at page 4, lines 15-19. Claims 23, 24 and 29 have been amended for clarification purposes by replacing the thickness ranges recited therein. Support for such amendments can be found in the specification at least at page 11, lines 1-4. Claim 28 has been amended for readability, and now recites that the core layer is of paper or paperboard. Claim 32 has been amended for readability by replacing the word "straining" with "stretching," as well as to recite the phrase "defined by a point" twice. Claim 35 has been amended for readability by replacing "MPA" with "MPa." Claim 36 has been amended for readability by inserting a comma after the phrase "consisting of a packaging laminate."

In the Official Action, the drawings stand objected to for the reasons set forth at pages 2 and 3 thereof. In response to this objection, Applicants have amended the specification, which now recites a description in connection with each of the omitted reference numerals. Accordingly, withdrawal of this objection is respectfully requested.

Claims 23, 24, 29 and 31 stand rejected under 35 U.S.C. §112, first paragraph, for the reasons set forth at page 4 of the Official Action. This rejection is moot in light of the above amendments in which claims 23 and 29 have been amended to recite a thickness range of 5 to 500 Å, and claim 24 has been amended to recite a thickness range of 100 to 200 Å. Accordingly, withdrawal of the above rejection is respectfully requested.

Claims 28 and 32-35 stand rejected under 35 U.S.C. §112, second paragraph, for the reasons discussed at page 5 of the Official Action. The rejection with respect to claim 28 is moot in light of the amendment of such claim to recite that "the core layer is of paper or paperboard." Further, without addressing the propriety of the Examiner's comments concerning the term "straining," claim 32 has been amended by replacing the word "straining" with "stretching" for readability purposes.

Concerning the stretching range recited in claim 32, the upper limit of the range is "defined by a point of an initial plastic deformation of the substrate film determined by the Young modulus," and the lower limit of the range is "defined by a point of any improvement of the cohesion force of the oxide coating and the adhesion force between the oxide coating and the substrate film."

As such, it is apparent that claim 32 fully complies with the provisions of the second paragraph of 35 U.S.C. §112. Accordingly, withdrawal of the above rejection is respectfully requested.

Claims 22-37 stand rejected under 35 U.S.C. §103(a) as being obvious over International Publication No. WO 99/19229 (*Fayet et al*). Without addressing the Examiner's comments concerning the contents of *Fayet et al*, it is respectfully noted that the present application claims the benefit of foreign priority of Swedish Application No. 9901258-5 filed April 7, 1999. A certified copy of the priority application was filed in parent Application No.

09/544,220, and the Examiner has acknowledged receipt of such certified copy (Official Action at page 1). *Fayet et al* does not qualify as §102(a) or (b) prior art, since the April 22, 1999 publication date thereof is subsequent to the April 7, 1999 filing date of the foreign priority application. Furthermore, *Fayet et al* is precluded from being applied as §102(e) prior art by virtue of being filed prior to November 29, 2000. See M.P.E.P. §706.02(f)(1).

With regard to the Patent Office's requirement for a translation of the foreign priority application, Applicants note that the priority application was originally filed in the foreign patent office in the English language, and therefore it is believed that no translation of the priority application is necessary.

For at least the above reasons, withdrawal of the above §103(a) rejection is now in order, and such action is respectfully requested.

Claims 22-37 stand rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 5,508,075 (*Roulin et al*) in view of Japanese Patent Document No. 10-249976 (*JP '976*). Withdrawal of this rejection is respectfully requested for at least the following reasons.

Roulin et al and *JP '976* do not disclose or suggest each feature recited in each of independent claims 22, 29, 32 and 36. For example, *Roulin et al* and *JP '976* do not disclose or suggest that at least one of the SiO_xC_y layers is formed by vapor deposition on the substrate film by a plasma enhanced chemical vapor deposition method while stretching the substrate film, as recited in claims 22, 29 and 36. Similarly, *Roulin et al* and *JP '976* do not disclose or suggest that the SiO_xC_y layer is formed by vapor deposition on the substrate film by a plasma enhanced chemical vapor deposition method while stretching the substrate film within a specified range, as recited in claim 32.

Applicants submit that the formation of an SiO_xC_y layer by vapor deposition while stretching the substrate film in accordance with the claimed invention, can result in a

deposited layer having an improved degree of adhesion strength and cohesion strength within the deposited layer. The examples disclosed at page 7 of the specification demonstrate such surprising and unexpected structural effects. In this regard, Applicants submit that the only difference between the inventive and comparative examples was that in the inventive example, vapor deposition occurred during stretching of the substrate film, in accordance with the claimed invention, whereas vapor deposition was conducted without any stretching of the substrate film in the comparative example. As discussed at page 7, lines 27-34, the stretching of the substrate film in accordance with the claimed invention resulted in improved crack onset, cohesion force and interface shear strength characteristics, in comparison with the comparative example.

The applied art has no disclosure or suggestion that a SiO_xC_y layer is formed by vapor deposition on the substrate film by a plasma enhanced chemical vapor deposition method while stretching the substrate film, let alone that such procedure can provide improved structural characteristics, as shown in the examples set forth in the specification.

For at least the above reasons, it is apparent that no *prima facie* case of obviousness exists. Accordingly, withdrawal of the §103(a) rejection is respectfully requested.

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order, and such action is earnestly solicited.

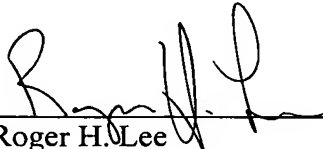
If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

BUCHANAN INGERSOLL PC (INCLUDING ATTORNEYS
FROM BURNS, DOANE, SWECKER & MATHIS)

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